

**AMENDMENT TO FINAL RESTORATION PLAN
AND ENVIRONMENTAL ASSESSMENT
FOR THE TESORO HAWAII OIL SPILL (AUGUST 24, 1998)
(OAHU AND KAUAI, HAWAII)**

Introduction

The Federal and Hawaii State Trustees propose to adopt an Amendment to the Tesoro Hawaii Oil Spill Final Restoration Plan developed as part of the settlement for the August 24, 1998 oil spill originating at the Tesoro Single Point Mooring offshore from Barbers Point, Oahu, Hawaii. The U. S. Fish and Wildlife Service (Service), on behalf of the United States Department of the Interior, is a Natural Resource Trustee (Trustee) in the Natural Resource Damage Assessment and Restoration (NRDAR) process for this matter, in partnership with the State of Hawaii through the Hawaii Department of Health (HDOH) and Hawaii Department of Land and Natural Resources (HDLNR) (collectively, the Trustees). The second Federal trustee, the Commerce Department, represented by the National Oceanic and Atmospheric Administration (NOAA), has completed its restoration project and has withdrawn from this matter.

Pursuant to the Oil Pollution Act of 1990 (33 U.S.C. SS 2701, *et seq.*) (OPA) it is the Trustees' responsibility to determine the nature and extent of natural resource injuries, select appropriate restoration projects, and implement and/or oversee restoration. In compliance with the National Environmental Policy Act (1969 as amended) and OPA, Tesoro, Hawaii agreed to pay the Governments a sum of \$510,000 to address the Natural Resources Damages for injury to seabirds and lost human use. The Trustees adopted the Final Restoration Plan and Environmental Assessment (FRP/FEA) dated November 2000, which described the analyses and selection of four Preferred Restoration Alternative projects described in Section 4 of the Restoration Plan. Three of the four restoration projects have been completed including the Section 4.5.2 Net Removal Project, 4.5.4 Predator Control and Habitat Enhancement on Offshore Islands in the Hawaii Seabird Sanctuary, and 4.5.5 Extension of the Predator Fence at Kilauea Point National Wildlife Refuge on Kauai. Project 4.5.3 Predator Control in Newell's Shearwater Colonies on Kauai has not been initiated.

The Section 4.5.3 Predator Control project was never initiated, because the three low elevation colonies of Newell's shearwater (*Puffinus auricularis newelli*) selected for protections were found to be extirpated in 2009. An alternative restoration project was proposed in 2009, but never funded by the NRDAR fund, because that project is being conducted at a high elevation colony of both Newell's shearwaters and Hawaiian petrels (*Pterodroma sandwichensis*) in Upper Limahuli Valley as part of a Habitat Conservation Plan by the Kauai Island Utility Cooperative.

I. Current Information of Newell's Shearwater and Hawaiian Petrel Breeding on Kauai

Investigations on Kauai have located additional colonies of both the threatened Newell's shearwater and endangered Hawaiian petrel. Breeding activity by both species has been confirmed in the Upper Limahuli Valley, in an area that is owned and managed by the National Tropical Botanical Garden (NTBG). Predation on these birds by feral cats has also been confirmed. Additional colonies of both species have been detected by researchers using advanced radar techniques to locate shearwaters and petrels flying into inaccessible areas of northwest Kauai during the breeding season, and detecting fledglings departing the island in the fall, indicating successful breeding in remote locations of Kauai Island.

II. Proposed Action

The Federal and State Natural Resource Trustees are amending the FRP/FEA to substitute an alternative predator control project to replace Project 4.5.3. The proposed project: *Preventing the Establishment of a Mongoose Population on Kauai* will consist of three elements: 1) Status assessment of a possible mongoose population on Kauai Island; 2) Early Detection and Rapid-Response protocols for eradicating any detected population; and 3) Development of Biosecurity Protocols to Prevent Future Introduction of Mongoose to Kauai.

Mongoose were introduced Oahu, Maui, and the Big Island during the 1880s. Fortunately, Kauai remained mongoose free when a planned introduction was aborted. However, there have been almost 350 reported mongoose sightings since 1968 and in 1976 a road-killed, lactating female was found on the island near Ele'ele. In 2012, two mongooses were captured in Lihue, Kauai, near the port of Nawiliwili, illustrating the need for better biosecurity. The numerous sightings and three confirmed individuals have led to the perception among many persons on Kauai and in the State that mongoose are now established on Kauai. While the 2012 arrival of mongoose at the port of Nawiliwili is troubling, there remains scant biological evidence that a population of mongoose is established on Kauai. Therefore, it is necessary to determine the mongoose population status on Kauai, to eradicate any population, if detected, and to develop biosecurity protocols to prevent the future introduction of mongoose to Kauai.

The Service and HDLNR, in coordination with the Kauai Invasive Species Committee (KISC) held a planning meeting from 10-12 August 2015 on the island of Kauai, Hawaii, funded by the DOI Natural Resources Restoration Catalyst Fund. The meeting was an intermediate step in the effort by PIFWO and KISC to assess the issue of mongoose on Kauai and begin the process of implementing a Kauai Mongoose Management Strategy. The Mongoose Status Assessment meeting was convened to assist in developing a robust restoration alternative to substitute for the Restoration Alternative 4.5.3 "Predator Control on Kauai" that was never initiated. The objective of the August, 2015 planning meeting was to develop draft standard operating procedures (SOPs) for addressing the status assessment of a possible mongoose population and the early detection and rapid-response protocols for eradicating any detected population. The third element, development of biosecurity protocols to prevent introduction of mongoose to Kauai, will be addressed by the Trustees in a 2016 planning meeting with funding provided by the Restoration Catalyst Fund.

The Standard Operating Protocols (SOPs) for the status assessment and rapid-response are provided in Appendix 1: Kauai Mongoose Standard Operating Procedures to Conduct an Island-wide Status Assessment and Early Detection Rapid Response.

In addition to the status assessment, early detection and rapid-response, two additional projects necessary for the successful implementation of the project have been developed, and are proposed as part of this Amendment.

Appendix 2: Field Verification of Goodnature A24 Mongoose Trap Efficacy.

Appendix 3: Hawaii Island Goodnature Mongoose Trap Humaneness Trial.

The Trustees believe that the proposed amendments will fulfill the objectives of the Tesoro Final Restoration Plan and provide a needed supplement to the ongoing predator control efforts on Kauai Island. Mongoose are significant predators on the other Main Hawaiian Islands, and have contributed to the decimation of burrow nesting seabirds on each of the islands. Eradicating any incipient population of mongooses from Kauai and developing a biosecurity plan to ensure the prevention of any future introduction should provide a valuable measure of security for these two burrow-nesting species of endangered seabirds.

III. Public Review and Comment

The Federal and the State Trustees will provide the public the opportunity to comment on the proposed amendment to the FRP/FEA. The proposed amendment and associated administrative record will be made available to the public on the Service's, Pacific Island Fish and Wildlife Office's webpage and in hardcopy form at the State library in Honolulu, Hawaii. Public comment meetings will be advertised on both Oahu and Kauai to provide the public the opportunity to review and comment on the proposed mongoose control project.

IV. Conclusion and Determination

Based upon an environmental review and evaluation of the amendment to the FRP/FEA, and considering other information contained in the Administrative Record, we have determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended. Accordingly, a supplemental Environmental Impact Statement in addition to the EIS provided in the original FRP/FEA is not required for this project.

By: _____
Robyn Thorson
Regional Director, Pacific Region
U. S. Fish and Wildlife Service

Date: _____

Attachments:

- 1) Final Restoration Plan and Environmental Assessment for the August 24, 1998 Tesoro Hawaii Oil Spill (Oahu and Kauai, Hawaii)
- 2) Appendix 1: Kauai Mongoose Standard Operating Procedures to Conduct an Island-wide Status Assessment and Early Detection Rapid Response.
- 3) Appendix 2: Field Verification of Goodnature A24 Mongoose Trap Efficacy.
- 4) Appendix 3: Hawaii Island Goodnature Mongoose Trap Humaneness Trial

TRUSTEE ADOPTION RESOLUTION

The undersigned, as authorized officials of their respective Federal and State natural resource trustee agencies, hereby approve and adopt the "Amendment to Final Restoration Plan and Environmental Assessment for the August 24, 1998, Tesoro Hawaii Oil Spill (Oahu and Kauai, Hawaii)" and select the restoration project described as Preferred Alternative 4.5.3.b therein.

By: _____

Michael Fry
Environmental Contaminants Coordinator
U. S. Fish and Wildlife Service

Date: _____

By: _____

Suzanne Case
Chairperson
Hawaii Department of Natural Resources

Date: _____

By: _____

Curtis Martin
Hazard Evaluation and Emergency Response
Hawaii Department of Health

Date: _____